

Program Proposed Budget								
Budget Item	Base Budget Fiscal 1998	PL Base Adjustment Fiscal 2000	New Proposals Fiscal 2000	Total Leg. Budget Fiscal 2000	PL Base Adjustment Fiscal 2001	New Proposals Fiscal 2001	Total Leg. Budget Fiscal 2001	Total Leg. Budget Fiscal 00-01
FTE	3.00	.00	.00	3.00	.00	.00	3.00	3.00
Personal Services	97,610	38,595	0	136,205	37,620	0	135,230	271,435
Operating Expenses	41,733	8,202	0	49,935	8,137	0	49,870	99,805
Equipment	0	0	0	0	0	0	0	0
Total Costs	\$139,343	\$46,797	\$0	\$186,140	\$45,757	\$0	\$185,100	\$371,240
General Fund	139,343	46,902	(186,245)	0	45,862	(185,205)	0	0
State/Other Special	0	(105)	186,245	186,140	(105)	185,205	185,100	371,240
Total Funds	\$139,343	\$46,797	\$0	\$186,140	\$45,757	\$0	\$185,100	\$371,240

Agency Description

The Office of the Appellate Defender is an agency administratively attached to the Department of Administration. Prior to creation of the agency by the 1995 legislature, the Appellate Defender Program was administratively attached to the Department of Administration and funded by a statutory appropriation. The appellate defender is hired by, and serves at the pleasure of, the Appellate Defender Commission. The appellate defender provides legal counsel for indigent persons who have been convicted and then appeal their district court conviction or petition for post-conviction relief from proceedings in district court. The appellate defender also aids the commission in compiling and keeping current a roster of Montana attorneys eligible for appointment by an appropriate court as trial and appellate defense counsel for the indigent.

The appellate defender exists under state mandates established at 46-8-210 through 213, MCA.

Summary of Legislative Action

The legislature approved \$92,554 in present law adjustments. Most of the increase is to fully fund personal services in the 2001 biennium. The budget includes \$5,512 for consulting and professional services that the office expects to use for expert witness fees for a death penalty case it is scheduled to handle during the biennium.

Agency Budget Comparison								
Budget Item	Base Budget Fiscal 1998	Executive Budget Fiscal 2000	Legislative Budget Fiscal 2000	Leg – Exec. Difference Fiscal 2000	Executive Budget Fiscal 2001	Legislative Budget Fiscal 2001	Leg – Exec. Difference Fiscal 2001	Biennium Difference Fiscal 00-01
FTE	3.00	3.00	3.00		3.00	3.00		
Personal Services	97,610	136,205	136,205	0	135,230	135,230	0	0
Operating Expenses	41,733	53,140	49,935	(3,205)	53,075	49,870	(3,205)	(6,410)
Equipment	0	0	0	0	0	0	0	0
Total Costs	\$139,343	\$189,345	\$186,140	(\$3,205)	\$188,305	\$185,100	(\$3,205)	(\$6,410)
General Fund	139,343	0	0	0	0	0	0	0
State/Other Special	0	189,345	186,140	(3,205)	188,305	185,100	(3,205)	(6,410)
Total Funds	\$139,343	\$189,345	\$186,140	(\$3,205)	\$188,305	\$185,100	(\$3,205)	(\$6,410)

Executive Budget Comparison

The legislature granted present law adjustments for contracted services for expert witnesses that were \$5,200 less than the amount requested by the executive. The legislature also adjusted expenditures for rent and ISD data network charges by \$210 to reflect differences between the rent and ISD data network rates proposed by the executive and those accepted by the legislature.

Funding

In the past, the program had been entirely funded by the general fund, through district court reimbursement funds derived from 7 percent of the 2 percent tax on automobiles and light trucks (61-3-509, MCA). County treasurers forwarded these

funds to the state treasurer, who credited the amounts to the state general fund for district court expenses as provided in 3-5-901, MCA. However, as a result of the passage of HB 166 by the 1997 legislature, district court fees are now deposited to a state special revenue account rather than to the general fund. Since district court fees have been the funding source for the Office of the Appellate Defender in the past, the legislature accepted a new proposal for a funding entity change. The program will now be funded by the district court fee state special revenue fund.

Present Law Adjustments						
Present Law Description	Fiscal 2000 FTE	Fiscal 2000 General Fund	Fiscal 2000 Total Funds	Fiscal 2001 FTE	Fiscal 2001 General Fund	Fiscal 2001 Total Funds
Statewide Present Law						
Personal Services			38,595			37,620
Inflation/Deflation			490			389
Fixed Costs			3,211			3,197
Total Statewide Adjustments			\$42,296			\$41,206
Present Law Adjustments						
1 Other Fixed Costs	.00	2,106	2,106	.00	2,156	2,156
2 Consulting & Professional Services	.00	2,500	2,500	.00	2,500	2,500
4 Fixed Cost Reductions	.00	0	(105)	.00	0	(105)
Total PL Adjustments	.00	\$4,606	\$4,501	.00	\$4,656	\$4,551
Present Law Adjustments Total			\$46,797			\$45,757

Present Law Adjustments

The table above shows the changes made by the legislature to the adjusted base budget. Statewide adjustments are standard categories of adjustments globally applied by the legislature to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 1 - Other Fixed Costs - The legislature accepted present law increases of \$2,106 in fiscal 2000 and \$2,156 in fiscal 2001 to pay a rent increase imposed December 1, 1997 and to pay the Appellate Defender share of the Department of Administration internal cost pool allocation.

DP 2 - Consulting & Professional Services - The legislature granted additional contracted services authority of \$2,500 each year of the biennium for the costs of expert witnesses such as psychiatrists, attorneys, and private investigators since the office anticipates it will be handling a death penalty case during the 2001 biennium that will require more use of expert witnesses.

DP 4 - Fixed Cost Reductions - The legislature reduced fixed cost allocations to reflect reductions in rental rates and ISD data network charges.

New Proposals						
Description	Fiscal 2000 FTE	Fiscal 2000 General Fund	Fiscal 2000 Total Funds	Fiscal 2001 FTE	Fiscal 2001 General Fund	Fiscal 2001 Total Funds
3 Funding Entity Change	.00	(186,245)	0	.00	(185,205)	0
Total New Proposals	.00	(\$186,245)	\$0	.00	(\$185,205)	\$0

New Proposals

DP 3 - Funding Entity Change- As a result of the passage of HB 166 by the 1997 legislature, district court fees are now deposited to a state special revenue account rather than to the general fund. Since district court fees are the traditional funding source for the Office of the Appellate Defender, the legislature changed the funding source for the budget from general fund to the district court fee account of the state special revenue fund. The reduction in general fund shown in the table is exactly offset by the increase in state special revenue funding, which accounts for the zero total fund impact shown in the table.